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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,837	01/12/2004	Michael John Burkhart	AUS920030965US1	9839
34533 7590 05/30/2007 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER KUMAR, ANIL N	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/755,837	Applicant(s) BURKHART ET AL.	
	Examiner Anil N. Kumar	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/09/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filing on April 9th, 2007. There are no amendments to the specifications, to the drawings or to the claims. Claims (1-36) continue to be pending and have been considered below.

Double Patenting

2. Applicant is advised that should claims 5, 11, 17, 23, 29 and 35 be found allowable, claims 6, 12, 18, 24, 30 and 36 respectively, will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being unpatentable over Lortz (US 6505243 B1).

Claims 1, 7, 13, 19, 25 and 31: Lortz discloses a system, method and products (an article of manufacture) for displaying a help resource associated with a device on a remote display apparatus (services gateway), comprising (i.e. computer 138 Fig 2);

- receiving, in a display apparatus (services gateway), a plurality of help messages created in a plurality of devices; (i.e. ...notification is received for the network-attachable device... col 1 lines 59-61)
- prioritizing one of the plurality of help messages ; (i.e. ...user setting preferences... col 5 lines 28-30)
- retrieving, in dependence upon the prioritized help message, a help resource ; (i.e. a device 102 Fig. 1 ...retrieves 174 ...data for the user... Fig. 4, col 5 lines 19-21)
- and displaying, with the display apparatus, the help resource (i.e. ...displaying retrieved 174 install data to user interface... col 5 lines 38-39).

Claims 2-4, 8-10, 14-16, 20-22, 26-28 and 32-34: Lortz discloses a system, method and products for displaying a help resource associated with a device on another remote device on a network, as in claims 1, 7, 13, 19, 25 and 31 above, respectively. Furthermore, Lortz discloses selecting a help message in

dependence upon a position of the help message, device ID or importance rating in the help message (i.e. ... a form, containing messages, can be displayed providing the prompt... to select a message based on any criteria contained in the message; col 6 lines 11-13)

Claims 5-6, 11-12, 17-18, 23-24, 29-30, 35-36: Lortz discloses a system, method and products for displaying a help resource associated with a device on another remote device on a network, as in claims 1, 7, 13, 19, 25 and 31 above, respectively. Furthermore, Lortz discloses notifying at least one of the plurality of devices that the display apparatus is busy (i.e. ... notification event, busy message, is transmitted 172 to devices on the network... col 4/5 lines 67-2)

Response to Arguments

5. Applicant's arguments filed on April 9th, 2007 have been fully considered but they were found not persuasive.

- a. **DUPLICATE CLAIMS.** The examiner disagrees with the applicant's interpretation that the set of claims 6, 12, 18, 24, 30, and 36 are not substantial duplicates of claims 5, 11, 17, 23, 29, and 35 respectively

because claims 6, 12, 18, 24, 30, and 36 have a different scope than claims 5, 11, 17, 23, 29, and 35 respectively.

For example:

Claim 5 of the present application claims: The method of claim 1 further comprising notifying at least one of the plurality of devices that the display apparatus is busy. The Examiner maintains that in order to NOTIFY, a message must first be created, and the message must be sent or transmitted to the recipient, in order to complete the notification process.

Claim 6 of the present application claims: The method of claim 5 wherein notifying at least one of the plurality of devices that the display apparatus is busy comprises: creating, in the display apparatus a busy message; and transmitting the busy message to at least one of the plurality of devices. Even though the creating and transmitting part has been added to this claim, this does not change the scope of Claim 6, and furthermore, it does not add any additional feature that is not accomplished by Claim 5. Hence, claim 6 is substantially a duplicate of claim 5.

b. Lortz Does Not Disclose Receiving, In A Display Apparatus, A Plurality Of Help Messages Created In A Plurality Of Devices: The examiner would like to reiterate that the rejection is based on the entire reference document,

and not based on just the lines cited in the office action. The examiner continues to cite the reference, Lortz, “ ... displaying retrieved 174 install data to a user interface, e.g., to a web browser...” col 5 lines 32-43. In addition, “install data” can include “... device-specific help information...” col 1 lines 58-63. Retrieving from a web server can mean retrieving messages from any device, anywhere in the world.

c. Lortz Does Not Disclose Prioritizing One Of The Plurality Of Help

Messages: The examiner continues to cite Lortz at column 5, lines 28-30, discloses setting user preferences such as color adjustment, sound, modes, preferred channels, and so on. Note setting or selecting the order of preferred channels (e.g. 3, 5, 1, 2, etc...) is the same as setting a priority (e.g. High, Medium or Low) for the messages received.

d. Lortz Does Not Disclose Retrieving, In Dependence Upon The Prioritized

Help Message, A Help Resource: The examiner continues to cite Lortz at column 5, lines 19-21, discloses retrieving installation, configuration, and customization data for a device in response to the device being attached to a network. Furthermore, Lortz at col 1 lines 58-63 discloses “... retrieving device-specific help information...”, meaning the help information to be part of installation data.

e. *Lortz Does Not Disclose Displaying, With The Display Apparatus, The*

Help Resource: The examiner continues to cite Lortz at column 2, lines 32-43, discloses displaying "... install data to a user interface, e.g., to a web browser...". Since a web browser is usually presented to the user on a display device, the help resource that Lortz is sending to the web browser would also be displayed on the display device.

f. *Lortz Does Not Disclose Receiving, In A Services Gateway, A Plurality*

Of Help Messages Created In A Plurality Of Devices: The examiner continues to cite Lortz at column 2 lines 37-43, discloses "... devices 100, 102, 104 can be any combination of traditional and non-traditional devices...". A Gateway is the name given to a traditional networking device, commonly used to pass messages between intranets and external networks. Thus, Lortz' disclosure of using such traditional networking devices when sending the help message implies the receipt and retransmission of the message by one or more "Gateway" devices.

g. *Lortz Does Not Disclose Sending the Help Resource to a Display*

Apparatus for Display: See e and d above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Mon-Fri EST (Alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

5/23/2007



James Myhre

Supervisory Primary Examiner